

Jail Population Management Subcommittee
of the
Sanford “Sandy” Krasnoff Criminal Justice Council

MEETING AGENDA

MONDAY, January 22, 2018

2:00pm – 3:30pm

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| I. | Opening | Judge Calvin Johnson |
| II. | 2017 Jail Population Trends | Sarah Schirmer |
| III. | 2017 Initiative Highlights | |
| | Pre-Booking Deflection | Chief Noel |
| | Public Defenders at First Appearance & Bond Review Institutionalization | Derwyn Bunton |
| | Pretrial Services & Public Safety Assessment | Judge Davillier |
| | Release on Recognizance | Commissioner Friedman |
| | Probation & Parole | Steve Lassalle |
| | 10-Day Detention Hearings | Judge Buras |
| | Justice System Administrator | Virginia Ryan |
| | OJC Release Analysis | Director Maynard |
| | Community Advisory Group | Karen Wong, Al Christophe |
| | Court Date Notification System | Nathaniel Weaver |
| | Indigency Assessment | Judge Calvin Johnson |
| IV. | Adjourn | |

Criminal Justice Council Jail Population Management Subcommittee Minutes

January 22, 2018

On January 22, the Jail Population Management Subcommittee of the Criminal Justice Council convened at 2:05 pm in the 8th Floor Homeland Security Conference Room in City Hall. The following persons were present/absent:

Jail Population Management Subcommittee

Present:

Criminal Justice Commissioner Calvin Johnson,
Subcommittee Chair
Deputy Chief Paul Noel, New Orleans Police
Department
Councilmember Susan Guidry
Judge Camille Buras, Criminal District Court
District Administrator Steve Lassalle, Probation &
Parole
Virginia Ryan, Orleans Parish Sheriff's Office
Jonathan Wisbey, Chief Administrative Office
Al Christophe, Community Representative
Karen Wong, Community Representative

Office of Criminal Justice Coordination

Sarah Schirmer
Shelbi Flynn

Arrived Later:

Derwyn Bunton, Orleans Public Defenders

Absent:

Chris Bowman, District Attorney's Office
Terrie Guerin, Clerk of Court's Office
Director Gary Maynard, Orleans Parish Sheriff's
Office
Judge Harry Cantrell, Criminal District Court
Deputy City Attorney Charlene Larche-Mason
Samantha François, Community Representative

Presenters

Commissioner Jonathan Friedman, Criminal District
Court
Judge Tracey Flemings-Davillier, Criminal District
Court
Nathaniel Weaver, New Orleans Police and Justice
Foundation

I. Opening

Commissioner Johnson welcomed everyone and called the meeting to order at 2:05 pm.

II. 2017 Jail Population Trends

Sarah Schirmer presented on the jail population trends over the past year. Despite a spike in the population in the fall of this year, ADP in December was 1,427- which is the lowest jail population since 1979. As of January 22nd, the population had increased to 1,461. The increase is largely due to the Court being closed and transportation to Department of Corrections being halted in response to inclement weather. Trends in the composition of the jail remained largely consistent with overall population fluctuations. Average length of stay has increased consistently since August, but median length of stay and the percentage of people released within two days have remained consistent over time.

III. Initiative Highlights

For each initiative, the presenter gave a brief overview of 2017 accomplishments, challenges, impact, and next steps. These details can be found in the meeting's presentation.

a. Pre-Booking Deflection (PBD) – Chief Noel

PBD targets individuals who have had many arrests over several years. Previously, NOPD did not have any tools other than arrest for these individuals. PBD allows officers to connect people at risk for arrest because of mental illness, addiction, or trauma away from the jail and toward community-based treatment and services. The soft launch of the program began at the end of November with officer referrals. One of the “familiar faces” identified by officers was referred to the program and has not been arrested since. The program is expected to “take off” in the 8th District in 2018.

Chief Noel also spoke about related work in which NOPD successfully changed its policy to charge prostitution offenses with the municipal code.

b. Orleans Public Defenders at First Appearance and Bond Review Institutionalization – Derwyn Bunton

Over the past year, Orleans Public Defenders (OPD) has developed more intense representation at First Appearances. The two lawyers dedicated to First Appearance representation have 15 years of combined experience. The initiative has allowed for more strategic advocacy surrounding low-risk populations. The work has been challenging primarily due to the limits placed on attorneys by the Magistrate Judge. OPD continues to navigate these logistical challenges in order to maximize representation.

Council member Guidry asked about state misdemeanors moving back to Municipal Court and the potential impact of this shift.

Judge Buras responded that the back and forth between the two courts is disruptive and emphasized the need for dialogue about these policy decisions. For example, the District Attorney (OPDA) may remove OPDA attorneys from First Appearances, which could have a negative impact on the system. Commissioner Friedman also expressed concern about the prospect of OPDA attorneys being absent from First Appearances, noting that it is appropriate for OPDA to have a voice at these proceedings.

The issue of bond setting also arose. Municipal Court does not have bond setting on weekends, but Criminal District Court does. Without coordination, Municipal Court may pay extra to provide a service

that Criminal District Court already provides. This is an opportunity for all stakeholders to come together.

Sarah Schirmer noted that OPDA is interested in bringing everyone together to discuss these issues. Judge Johnson posed reconvening the Domestic Violence Blueprint for Safety Committee as an additional forum to consider these concerns.

The conversation shifted back to Bond Review Institutionalization. The initiative is making progress overall, but procedural issues continue to impact the efficacy of the work. Continued coordination between OPD, OPDA, and Commissioners will be required to resolve these concerns.

c. Pretrial Services and Public Safety Assessment (PSA) – Judge Davillier

The PSA is a risk assessment tool that will be administered by the Court through the Pretrial Services program, which has been operated by the Court since March 2017. Currently, the PSA Implementation Team is working to refine the PSA and create a Decision-Making Framework, with the goal of implementing the tool this spring.

d. Release on Recognizance (ROR) – Commissioner Friedman

The ROR protocol has been successfully expanded to M2-M5, resulting in increased ROR rates without substantial increases in Failure to Appear (FTA) or re-arrest rates. This initiative has allowed the Commissioners to rethink their default pretrial release practices and having data helps affirm that this approach is effective and does not have adverse consequences.

Judge Davillier noted that DV advocates have raised concerns about the use of RORs and low bonds for DV cases. These cases are not statutorily eligible for an ROR. Commissioner Friedman noted that some of the confusion is due to a lack of information regarding previous charges. This is something that requires further consideration, but may be less pertinent when misdemeanors go back to Municipal Court.

A member of the public, Dr. Andrea Armstrong, asked about the use of conditions for ROR'd defendants. Commissioner Friedman noted that extra conditions can often be counterproductive and lead to higher FTA rates.

e. Probation and Parole – Steve Lassalle

Probation and Parole has been conducting a lot of trainings with staff regarding the new state law requirements, specifically around parole holds. They have also been focusing on increased use of Administrative Parole for victimless crimes.

Early releases of DOC inmates provided an opportunity to work with the re-entry task force and provide services immediately upon release. Approximately 75% of releases signed up for services.

f. 10-Day Detention Hearings – Judge Buras

The pilot has been going well overall. Stakeholders continue to work through process issues, particularly regarding FAOCN, but the process works most of the time. The pilot has been expanded to sections B and G and expansion to the entire court is expected by the end of 2018.

g. Justice System Administrator (JSA) – Virginia Ryan

The JSA has improved various processes that lead to unnecessarily long stays in jail, including: transport to DOC, Probation and Parole holds, and release to hospitals or community service providers. The JSA will continue to identify and work to resolve systemic inefficiencies.

h. OJC Release Analysis – Director Maynard

Director Maynard was unable to attend. This presentation was postponed.

i. Community Advisory Group (CAG) – Karen Wong

The CAG has established its organizational structure and is working to define objectives in relation to specific areas of focus. The CAG plans to expand partnerships in the coming year and continue to monitor and support implementation of the SJC plan. Karen Wong also mentioned the violence in the jail identified by the 8th Jail Monitors Report, which was recently released. The CAG plans to review this document and raise concerns accordingly.

j. Court Date Notification System – Nathaniel Weaver

The New Orleans Police and Justice Foundation has been working with the City to develop a system that will notify defendants of upcoming court dates and FTAs. The data tables and IT elements are in place but issues with contracts have significantly delayed implementation.

k. Indigency Assessment – Judge Johnson

A form to assess indigency for the purposes of imposing fines and fees at sentencing has been developed. Conversations with the court will continue with the intent of piloting the form in a few sections prior to expanding court-wide. The new state law (Act 260), which will take effect on August 1st, as well as Judge Vance's recent ruling regarding the constitutionality of fines and fees practices, lend urgency to this initiative.

IV. Adjourn

The meeting concluded at 3:40pm.